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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,011	03/27/2001	James Cardwell	0086.0080	2215

7590

01/05/2004

Daniel A. Thomson
Fourteenth Floor
One Cascade Plaza
Akron, OH 44308-1136

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,011

Applicant(s)

CARDWELL ET AL.

Examiner

Thuy Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

1. Applicant's Amendment filed on October 10, 2003 in response to Examiner's Office Action has been reviewed. Claims 1, 2, 6, 14, 18, 24, 28 have been amended.

2. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 2-4, 7, 12-16, 19, 24-26, and 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Lautzenheiser et al.** (Hereinafter "Lautzenheiser") US Patent No. 6,023,572.

As to claim 2, Lautzenheiser teaches the invention substantially as claimed, comprising the steps of

creating a first informational database, the first informational database containing at least one business objective of the business entity 662 of fig. 14-16];

creating a second informational database, the second informational database containing at least one project based on the at least one business objective [658 of fig. 14-16]; and

allowing open access to and between the first and second informational databases [fig. 14].

As to claim 3, Lautzenheiser teaches the invention substantially as claimed.

Lautzenheiser further teaches that the method further comprises the step of editing at least one of the informational databases [update, fig. 14-15].

As to claim 4, Lautzenheiser teaches the invention substantially as claimed.

Lautzenheiser further teaches creating a second informational database; and creating at least one project based on the at least one objective [674 of fig. 14].

As to claim 7, Lautzenheiser teaches the invention substantially as claimed.

Lautzenheiser further teaches allowing limited access to the first and second informational databases [col. 6, lines 28-52].

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As to claim 12, Lautzenheiser teaches the invention substantially as claimed.

Lautzenheiser further teaches accessing at least one of the informational databases via a computer network [see fig. 14].

As to claim 13, Lautzenheiser teaches the invention substantially as claimed.

Lautzenheiser further teaches accessing at least one of the informational databases from a remote location [fig. 14].

As to claims 14-16, 19, 24-26, and 29, all limitations of these claims have been addressed in the analysis of claims 2-4, 7, 12, and 13 above, and these claims are rejected on that basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 6, 8-11, 17-, 18, 20-23, 27, 28, and 30-33 are rejected under 35 U.S.C. § 103 as being unpatentable over **Lautzenheiser et al.** (Hereinafter "Lautzenheiser") US Patent No. 6,023,572, in view of **Stuart** US Patent No. 6,466,935.

As to claim 1, Lautzenheiser teaches the invention substantially as claimed, comprising:
providing means for analyzing the at least one objective [analysis, 402 of fig. 7];
providing means for organizing multiple objectives [204, 208, 210 of fig. 7];
creating at least one team project based on the at least one objective [project plan review, fig. 7];

connecting the at least one team project to the at least one objective, such that when the at least one objective is altered, the at least one team project is automatically updated to reflect the alteration to the at least one objective [col. 7, lines 34-47];

assigning at least one task based on the at least one team project [project normal development process, fig. 7];

connecting the at least one task to the at least one team project, such that when the at least one team project is altered, the at least one task is automatically updated to reflect the alteration to the at least one team project [col. 8, lines 32-45; col. 9, lines 1-22];

allowing an associate employee with access to the data table to access and edit the at least one team project [col. 12, lines 57-65]; and,

providing means for comparing the at least one objective, the at least one team project, and the at least one task [inherent in the system in order to compare BP Scenarios and PJT Scenarios, fig. 8].

However, Lautzenheiser does not explicitly teach creating a data table, the data table containing at least one objective of the organization, at least one goal of the organization, and priority levels for the at least one objective. Stuart teaches creating a data table, the data table

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containing at least one objective of the organization, at least one goal of the organization, and priority levels for the at least one objective [a highest priority work item retrieved from one or more relational database tables, see the abstract].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified Lautzenheiser's system wherein the method for interconnecting multiple layers of an organization provided thereof would have incorporated the teachings of Stuart especially processing a highest priority work item retrieved from one or more relational database tables; the motivation being to expand and enhance the versatility of Lautzenheiser's system by optimizing the throughput on the equipment, minimizing errors, and reducing the cost per work [see Stuart, col. 1, lines 58-63].

As to claim 5, Lautzenheiser and Stuart teach the invention substantially as claimed. Stuart further teaches determining organizational priorities [inherent in the system]; assigning a priority value to the at least one objective 612 of fig. 6]; and assigning a priority value to the at least one project [Priority #1 for Job ID 1731, fig. 6].

As to claims 6 and 8, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 9, Lautzenheiser and Stuart teach the invention substantially as claimed. Stuart further teaches providing security measures for limiting access to the informational databases [col. 5, lines 19-32].

As to claim 10, Lautzenheiser and Stuart teach the invention substantially as claimed. Stuart further teaches editing at least one of the informational databases; and updating at least one of the informational databases [col. 5, lines 19-32].

As to claim 11, Lautzenheiser and Stuart teach the invention substantially as claimed. Lautzenheiser further teaches developing critical measures associated with the first informational database; developing evaluation criteria and deliverables for the second informational database; and developing basic roles for the third informational database [fig. 14-16].

As to claims 17, 18 , and 20-23, they are corresponding apparatus claims of claims 1, 5, 6, and 8-11; therefore, they are rejected under the same rationale.

As to claims 27, 28, and 30-33, all limitations of these claims are rejected in the analysis of claims 1, 5, 6, and 8-11 above, and these claims are rejected on that basis.

Response to Arguments

5. Applicant argues that the combination of Lautzenheiser and Stuart would be improper.

As to point this, Examiner respectfully disagrees. Examiner believes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lautzenheiser teaches interconnecting sections of an organization by providing models of relationship between the processes and information exchange of an organization [see fig. 2-8]. Lautzenheiser also teaches the organizational hierarchy of processes [col. 11, lines 25-35] and using numbers in database tables as a key value [col. 12, lines 57-65]. Examiner believes that Crandall will compensate for Taylor's deficiency by creating a data table, the data table containing at least one objective of the organization, at least one goal of the organization, and priority levels for the at least one objective [a highest priority work item retrieved from one or more relational database tables, see the abstract].

6. Applicant's arguments filed on October 10, 2003 have been fully considered but they are not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

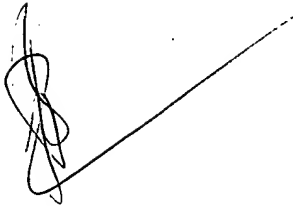
(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, consisting of a series of loops and a long diagonal stroke extending upwards and to the right.

Thuy Pardo
December 31, 2003